

ESTTA Tracking number: **ESTTA350620**

Filing date: **06/02/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194262
Party	Defendant Mary Kay Inc.
Correspondence Address	JOHN D. WISEMAN MARY KAY INC. 16251 DALLAS PKWY ADDISON, TX 75001-6820  aotrademark@fulbright.com, rgroos@fulbright.com, agroos@fulbright.com, kpfertner@fulbright.com, john.wiseman@mkcorp.com
Submission	Answer
Filer's Name	Alicia Morris Groos
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Signature	/Alicia Morris Groos/
Date	06/02/2010
Attachments	Answer.pdf ( 4 pages )(68855 bytes )

**THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial No. 77/877,396  
Filing Date: November 20, 2009  
Published in the Official Gazette: March 23, 2010  
Mark: SHARE THE LOVE

ACT II JEWELRY, INC. D/B/A LIA	§	
SOPHIA,	§	
	§	
Opposer,	§	
v.	§	Opposition No. 91194262
	§	
MARY KAY INC.,	§	
	§	
Applicant.	§	
<hr/>		
	§	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Mary Kay Inc., asserts that it is entitled to registration of the Application and answers the Notice of Opposition as follows.

As to the allegations contained in the preamble, Applicant admits that it filed US Application Serial No. 77/877396 for the mark SHARE THE LOVE for “Cosmetics; Fragrances for personal use; Non-medicated skin care preparations; Non-medicated toiletries” in International Class 3 on November 20, 2009. Applicant admits that Opposer avers that it is a limited liability company named Act II Jewelry, LLC doing business as lia sophia, organized and existing under the laws of Delaware. Applicant denies that Opposer will be damaged by the registration of the mark SHARE THE LOVE.

As to the remaining allegations numbers 1-7 in the Notice of Opposition, paragraph numbers 1-7 below correspond to those in the Notice of Opposition. Applicant reserves the right to amend or supplement its Answer as appropriate.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1, and thus denies them.

2. Applicant admits that Opposer is listed as the owner of U.S. Reg. No. 3,289,589 for the Mark SHARE THE LOVE OF JEWELRY for “jewelry” in Class 14, registered on September 11, 2007. Applicant admits that Opposer is listed as the owner of U.S. Reg. No. 2,952,808 for the mark LIA SOPHIA SHARE THE LOVE OF JEWELRY for “jewelry” in Class 14, registered on May 17, 2005. Applicant is without sufficient information to admit or deny the truth of the remaining allegations in paragraph 2, and thus denies them.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3, and thus denies them.

4. Applicant admits that it proposes to use the mark SHARE THE LOVE in connection with for “Cosmetics; Fragrances for personal use; Non-medicated skin care preparations; Non-medicated toiletries” in International Class 3. Applicant is without knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 4, and thus denies them.

5. Applicant denies each and every allegation contained in paragraph 5.

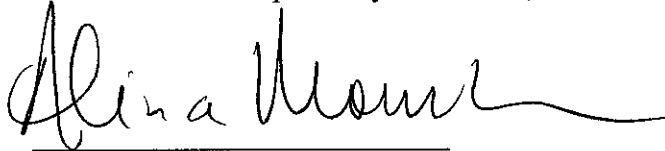
6. Applicant denies each and every allegation contained in paragraph 6.

7. Applicant denies each and every allegation contained in paragraph 7.

To the extent that Applicant has not admitted or denied any allegation contained in Opposer’s Notice of Opposition, all such allegations are hereby denied by Applicant.

WHEREFORE, Applicant requests that the Notice of Opposition be rejected, that judgment be entered in favor of Applicant, and that Applicant's Application Serial No. 77/877,396 be allowed for registration.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Alicia Morris Groos", written over a horizontal line.

DATE: June 2, 2010

Richard J. Groos  
Alicia Morris Groos  
Fulbright & Jaworski L.L.P.  
600 Congress Ave.  
Suite 2400  
Austin, TX 78701

ATTORNEYS FOR APPLICANT

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served by first class mail on the 2<sup>nd</sup> day of June 2010 to:

Milton Springut  
KALOW & SPRINGUT LLP  
488 Madison Avenue  
New York, NY 10022

A handwritten signature in black ink, appearing to read "Alina D. Houn", written over a horizontal line.

Attorney for Applicant